

REMARKS

Please note that this Amendment is substantially the same as the Amendment filed, but unentered, on November 17, 2003. Applicant is submitting this Second Amendment to clarify that claims 1-3 and claim 5 are presently canceled².

As a preliminary matter, Applicant cancels claims 1-3, which have been withdrawn from consideration, without prejudice or disclaimer.

Claims 1-4 and 6-8 are all the claims pending in the application. Claims 1-3 are withdrawn from consideration. Claims 4, 6, and 7 are rejected for the same reasons set forth in the previous Office Action dated April 3, 2003, and the Examiner rejects claim 8, which was added in the previous Amendment, for the same reasons that claim 6 is rejected. To further support the claim rejections, the Examiner asserts his arguments in response to the Amendment dated July 2, 2003, in the *Response to Arguments* section of the Office Action, on pages 3 and 4.

In the *Response to Arguments* section of the Office Action, the Examiner alleges “it would have been evident to one skilled in the art that a contoured shape, as taught by Gerrans provides a smoother gripping by avoiding substantially sharp or pointy edges that are uncomfortable to a user’s hand.” In response, first, Applicant submits that nowhere does Gerrans teach or suggest that the shape of the alleged molded portion is “contoured”, and that there is no support for labeling the molded portion as such. Also, Applicant submits that just

² The Examiner correctly pointed out in the Advisory Action dated December 12, 2003, that claim 5 was included in the claims presented, while, in fact, this claim had been previously canceled.

because the alleged contour shaped molded portion (which the Examiner alleges provides smoother gripping) does not appear to show sharp or pointy edges, it does not necessarily follow that the molded portion would provide smoother gripping. That is, a molded portion that does not have sharp or pointy edges could, in fact, not provide smoother gripping based on several other factors, including the texture, size, length, etc., of the molded portion. For example, even if a molded portion has a contoured shape and no sharp or pointy edges, it could be difficult to grip the molded portion if the texture of the molded portion is slippery or sloped awkwardly. Therefore, even if, *assuming arguendo*, the molded portion of Gerrans avoids substantially sharp or pointy edges, it does not necessarily follow that such molded portion would provide smoother gripping.

Also, Applicant agrees with the Examiner that the test for obviousness, in part, is what the combined teachings of the references would have suggested to those of ordinary skill in the art. Applicant submits that this is one of the points that Applicant intended to convey in the previous Amendment of July 2, 2003. That is, as previously argued, nowhere does the present application disclose that the APA in Fig. 6 would be gripped. Moreover, even if it were to be gripped, or held, nowhere does the present application disclose where and/or how the APA structure would be gripped, or how it would benefit from the alleged smooth gripping molded portion of Gerrans. Thus, the combined teachings of the references would not have led one of ordinary skill in the art to arrive at the present claimed invention. Furthermore, in view of the above, one skilled in the art would not have even been motivated to combine Gerrans with the APA, for the alleged purpose of providing a smoother gripping on the molded portion.

SECOND AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. APPLN. NO.: 09/737,787

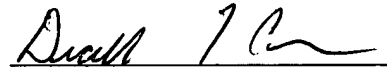
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Therefore, at least based on the foregoing, Applicant submits that claims 4 and 6-8 are patentable over the applied references.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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